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STATUTORY INSTRUMENTS

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**2020 No. 948**

**The Afghanistan (Sanctions) (EU Exit) Regulations 2020**

**PART 9**

**Supplementary and final provision**

**Notices**

**53.**—(1) This regulation applies in relation to a notice required by regulation 28 (Treasury licences) to be given to a person.

(2) The notice may be given to an individual—

- (a) by delivering it to the individual,
- (b) by sending it to the individual by post addressed to the individual at his or her usual or last-known place of residence or business, or
- (c) by leaving it for the individual at that place.

(3) The notice may be given to a person other than an individual—

- (a) by sending it by post to the proper officer of the body at its principal office, or
- (b) by addressing it to the proper officer of the body and leaving it at that office.

(4) The notice may be given to the person by other means, including by electronic means, with the person's consent.

(5) In this regulation, the reference in paragraph (3) to a "principal office"—

- (a) in relation to a registered company, is to be read as a reference to the company's registered office;
- (b) in relation to a body incorporated or constituted under the law of a country other than the United Kingdom, includes a reference to the body's principal office in the United Kingdom (if any).

(6) In this regulation—

"proper officer"—

- (a) in relation to a body other than a partnership, means the secretary or other executive officer charged with the conduct of the body's general affairs, and
- (b) in relation to a partnership, means a partner or a person who has the control or management of the partnership business;

"registered company" means a company registered under the enactments relating to companies for the time being in force in the United Kingdom.

**Trade: overlapping offences**

**54.** A person is not to be taken to commit an offence under the Export Control Order 2008 if the person would, in the absence of this regulation, commit an offence under both—

- (a) article 34 of that Order, and
- (b) any provision of Part 4 (Trade).

### Revocations

**55.**—(1) Council Regulation (EU) No 753/2011 of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan is revoked.

- (2) The Export Control (Al-Qaida and Taliban Sanctions) Regulations 2011(1) are revoked.
- (3) The Afghanistan (Asset-Freezing) Regulations 2011(2) are revoked.

### Amendment of the United Nations and European Union Financial Sanctions (Linking) Regulations 2017

**56.** In the Schedule to the United Nations and European Union Financial Sanctions (Linking) Regulations 2017(3) omit the following row from the table—

“United Nations Security Council Resolution 2255 (2015)	Council Regulation (EU) No. 753/2011 of 1st August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan”
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### Transitional provision: Treasury licences

**57.**—(1) Paragraphs (2) to (4) apply to a licence which—

- (a) was granted, or deemed to be granted, by the Treasury under regulation 9 (licences) of the 2011 Regulations,
- (b) was in effect immediately before the relevant date, and
- (c) authorises conduct which would (on and after the relevant date, and in the absence of paragraphs (2) to (4)) be prohibited under Part 3 (Finance),

and such a licence is referred to in this regulation as “an existing financial sanctions licence”.

(2) An existing financial sanctions licence which authorises an act which would otherwise be prohibited has effect on and after the relevant date as if it had been issued by the Treasury under regulation 28(1) (Treasury licences).

(3) Any reference in an existing financial sanctions licence to the 2011 Regulations or the EU Afghanistan Regulation is to be treated on and after the relevant date as a reference to these Regulations.

- (4) Any reference in an existing financial sanctions licence to a prohibition in—
  - (a) the 2011 Regulations, or
  - (b) the EU Afghanistan Regulation,

is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 3.

- (5) Paragraph (6) applies where—

(1) S.I. 2011/2649, as amended by S.I. 2011/2925, S.I. 2019/137 and S.I. 2019/466.

(2) S.I. 2011/1893, as amended by S.I. 2013/472, S.I. 2013/534, S.I. 2017/560, S.I. 2017/754, S.I. 2018/682 and S.I. 2019/380.

(3) S.I. 2017/478, to which there are amendments not relevant to these Regulations.

- (a) an application for a licence, or for the variation of a licence, under the 2011 Regulations was made before the relevant date,
  - (b) the application is for the authorisation of conduct which would (on and after the relevant date) be prohibited under Part 3, and
  - (c) a decision to grant or refuse the application has not been made before that date.
- (6) The application is to be treated on and after the relevant date as an application for a licence, or for the variation of a licence (as the case may be), under regulation 28(1) (Treasury licences).
- (7) In this regulation—
- “the 2011 Regulations” means the Afghanistan (Asset-Freezing) Regulations 2011;
  - “the EU Afghanistan Regulation” means Council Regulation (EU) No 753/2011 of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan<sup>(4)</sup>;
  - “the relevant date” means—
- (a) where regulations under section 56 of the Act provide that Part 3 comes into force at a specified time on a day, that time on that day;
  - (b) otherwise, the date on which Part 3 comes into force.

#### **Transitional provision: prior obligations**

**58.**—(1) Where, immediately before the relevant date, a person was named on the 1988 Sanctions List, any reference in a provision mentioned in paragraph (2) to the date on which a person became a designated person is to be read as a reference to the date on which the person was so named.

- (2) The provisions referred to in paragraph (1) are—
- (a) regulation 25(5) (finance: exceptions from prohibitions), and
  - (b) paragraph 6(a) of Schedule 2 (Treasury licences: purposes).
- (3) In this regulation—
- “designated person” has the same meaning as it has in Part 3 (Finance);
  - “the relevant date” means—
- (a) where regulations under section 56 of the Act provide that Part 3 comes into force at a specified time on a day, that time on that day;
  - (b) otherwise, the date on which Part 3 comes into force.

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(4) OJ No. L 199, 2.8.2011, p. 1.